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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------|
| 10/621,552 | 07/17/2003 | Bobby Hu | 2186-00400 DVF | 1339 |
| 23505 | 7590 | 03/29/2006 | | |
| CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267 | | | EXAMINER MEISLIN, DEBRA S | |
| | | | ART UNIT 3723 | PAPER NUMBER |
| DATE MAILED: 03/29/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/621,552

Applicant(s)

HU, BOBBY

Examiner

Debra S. Meislin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 15-20 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 15-20 and 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7, 15-16, 18-20 and 22-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hsieh (DE 299 07 467).

Figures 4 and 5 disclose a pawl having pawl teeth comprising a first teeth portion having a first center of curvature and a second teeth portion having a second center of curvature. The first center of curvature and second center of curvature being located at different positions.

Figure 5, for example, discloses a teeth portion (right side of the pawl as viewed from fig. 5) in full engagement with the teeth of the circular gear wheel. It is clear from the figure that the teeth portion (left side of the pawl as viewed from fig. 5) are not engaged with the gear wheel. If the teeth portions were to have the same centers of curvature, then both teeth portions would engage the circular gear wheel at the same time (when in the positions as shown in figures 4 and 5). Consequently, the non-engaged teeth portion clearly have a different center of curvature from the engaged teeth portion.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 17 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsieh (DE 299 07 467) in view of Over et al (3,436,992).

Hsieh discloses all of the claimed subject matter except for having a drive column. Over et al discloses a ratchet wrench having a drive column for engagement with a socket. It would have been obvious to one having ordinary skill in the art to form the device of Hsieh with a drive column to enable engagement with a socket as taught by Over et al.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Applicant's arguments filed December 27, 2005 have been fully considered but they are not persuasive.

Figures 4 and 5 of Hsieh clearly disclose a pawl having pawl teeth comprising a first teeth portion having a first center of curvature and a second teeth portion having a second center of curvature. The first center of curvature and second center of curvature being located at different positions. Figure 5, for example, discloses a teeth portion

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(right side of the pawl as viewed from fig. 5) in **full engagement** with the teeth of the circular gear wheel. It is clear from the figure that the **teeth portion (left side of the pawl as viewed from fig. 5) are not engaged with the gear wheel.**

Since the teeth portion are in full engagement with the gear wheel, applicant's alternate interpretation cannot be maintained.

The perspective view of the pawl in figure 2 of Hsieh cannot be used to determined the orientation of the teeth since the teeth are not clearly shown (relatively small) and are not shown in cooperation with the gear. It also cannot be determined if applicant's "circle" is of the same angular orientation (showing the same perspective) as the pawl.

The drawings may be used to determine the "structure" of the device since the drawings are part of the disclosure. It is noted that the drawings were not used to for determining sizes or proportions of the elements. Additionally, the disclosure of Hsieh states that the stop block is "meshed" with the ratchet wheel. Figures 4 and 5 clearly show that the pawl is fully meshed with the ratchet wheel.

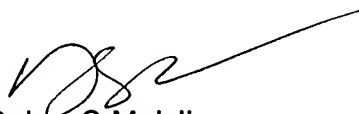
The Over et al reference is no longer being applied to the rejection of the claims in view of applicant's amendment.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra S. Meislin whose telephone number is 571 272-4487. The examiner can normally be reached on M-F, alt. Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571 272 4485. The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Debra S Meislin
Primary Examiner
Art Unit 3723

March 21, 2006